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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,085	12/20/2000	David Arthur Eatough	42390P9719	4345

7590 06/07/2005
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EXAMINER

SAM, PHIRIN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,085

Applicant(s)

EATOUGH, DAVID ARTHUR

Examiner

Phirin Sam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/22/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,792,085 (hereinafter referred as "Rigaldies") in view of US Patent 6,392,993 (hereinafter referred as "Hamilton").

Rigaldies discloses the invention (**amended claims 1, 6, 11, and 16**) as claimed including a method comprising:

(a) generating a packet with a local application in response to an event (see Fig. 1, element 140, col. 8, lines 26-29). Wherein the voice-mail 120 and e-mail client application 130 are local client applications;

(b) storing the packet locally in a packet file (see Fig. 1, elements 150, col. 8, lines 29-30). Wherein workstation mailbox 150 is the local packet file;

(c) forwarding the packet from the packet file with a local client messaging application to a server messaging application on a server via a network connection managed by the client messaging application (see Fig. 1, elements 101 and 300 or 200, col. 8, lines 35-36, 61-63). Wherein the workstation 101 sends or receives the messages to the servers 200 or 300;

Rigaldies does not disclose dispatching the packet with the server message application to a messaging handler on the server to process the packet. However, Hamilton discloses dispatching the packet to the messaging handler (see Fig. 8, element 160, col. 24, lines 51-55). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the message handler teaching by Hamilton with Rigaldies. The motivation for doing so would have been to provide for transferring the packet or message to the appropriate destination read on page 24, lines 51-54. Therefore, it would have been obvious to combine Hamilton and Rigaldies to obtain the invention as specified in the claims 1, 6, 11, and 16.

Regarding claims 2, 7, 12, and 17, Rigaldies discloses all limitations. On the other hand, Rigaldies does not disclose the packet includes a target identifier and a variable length data field. However, Hamilton discloses the packet including the target identifier and the variable length data field (see Figs. 4 and 5, elements Destination ID and 100, col. 10, lines 41-49, col. 11, lines 1-14, col. 12, lines 22-28). Wherein the destination IP address represent the target ID and the data length field 100 is variable. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the packet including the target identifier and the variable length data field teaching by Hamilton with Rigaldies. The motivation for doing so would have been to provide to route the packet the appropriate site and prevent from discard. Therefore, it would have been obvious to combine Hamilton and Rigaldies to obtain the invention as specified in the claims 2, 7, 12, and 17.

Regarding claims 4, 5, 9, 10, 14, and 15, Rigaldies discloses all the limitations. On the other hand, Rigaldies does not disclose an acknowledge message. However, Hamilton discloses

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the acknowledge message (see Figs. 10 and 12, elements 198 and 236, col. 3, lines 34-42, and col. 27, lines 9-22, 49-65). Wherein when the packet received at the destination and the sender received the acknowledgement the sender obviously deletes or drops the packet from the buffer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the acknowledge message teaching by Hamilton with Rigaldies. The motivation for doing so would have been to provide to reduce the network traffic. Therefore, it would have been obvious to combine Hamilton and Rigaldies to obtain the invention as specified in the claims 4, 5, 9, 10, 14, and 15.

Allowable Subject Matter

3. Claims 3, 8, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: June 4, 2005

A handwritten signature in black ink, appearing to read 'Phirin', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**